

EXECUTIVE SUMMARY

- In 1993, the Legislature establishes a new program for regulating gravel pits between 5 and 30 acres in size. The law establishes a registration process that is performance based process. The performance-based process emphasizes technical assistance and compliance review by the Department rather than a full application review process. The Legislature further expanded the program to include gravel pits larger than 30 acres, topsoil, clay, silt and quarries.
- To date, the program has been very successful as an alternative regulatory process. The Department has received 632 “Notices of Intent to Comply.” In addition to these operations, there are approximately 139 active mine site remaining under the Site Law, which require compliance inspections. The program is funded through annual license fees held in a dedicated account.
- Initially, the program was allocated 3 staff positions, but only one full-time year round position has been funded. Conservation aides have been hired since 1997 to assist in the summer field season. Due to the number of licensed sites in both programs, it is becoming increasingly difficult to manage the mining program with existing resources.
- Since 1997, the Department has processed 70 variance applications for facilities enrolled in the performance standards program. The most common variance applied for is excavating gravel from below the water table.
- Since amnesty ended in 1996, the Department has initiated 78 formal enforcement actions resulting in approximately \$315,571 assessed in civil penalties. The overall compliance rate for the performance based program is 86%. The most common deficiency is insufficient buffers to property lines and public roads.
- The law allows a municipality to register for delegated authority. At this time, no municipality has registered to assume jurisdiction of the program from the Department.